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HB 2017 HD 1 RELATING TO PUBLIC LANDS

Statement for
House Committee on
Finance
Public Hearing - February 22, 1988

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HB 2017 HD 1 would add to the existing statutes pertinent to the management and disposition of public lands, the provision to acquire title or long term use of lands of special natural value for the purpose of land banking. The bill specifies methods for acquiring title or long term use of lands of special value or access to those lands. It also establishes permitted uses of lands and sets forth lease agreement conditions.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

House Draft 1 of HB 2017 makes several substantive changes to the original bill, most notably it would require approval of both the governor and the legislature of any lease, commercial use, or exchange of land acquired under this program. While this provision would surely make the exchange or use of land subject to both legislative and gubernatorial review, it would not provide comparable review for the acquisition of lands for exchange purposes. As presently drafted, the office could acquire any lands for exchange purposes, regardless of their value, without the concurrence of the legislature or the governor. The state could acquire lands of minimal value from landowners in the name of land banking for exchange, yet the likelihood of such exchanges may be quite remote. Furthermore, such lands would be removed from the tax rolls unless leased to non-government entities. To insure broader evaluation of lands to be acquired for exchange purposes we suggest that HB 2017 H.D. 1, page 4, paragraph (c) (1) be amended to read:

(1) May be exchanged for other lands which may be of value in the future, provided that any such acquisition or exchange must have the prior approval of the Governor and the prior authorization of the legislature by concurrent resolution.

The provision on page 5 paragraph (3) to permit temporary leasing of the lands acquired under this chapter for commercial, industrial, or agricultural uses is of concern. It is not obvious how use for industrial purposes is compatible with lands acquired because of their recreational, scenic, historic, cultural, geologic, environmental, or hydrologic values. We suggest that this provision be restricted to lands acquired for exchange purposes.

As we mentioned in our previous testimony of HB 2017, HRS 173A provides for "any development which is consistent with the land use law..." with apparently no restrictions on time or construction. Lease of the lands acquired under the proposed amendments to HRS 171 would be limited to two years and no permanent structures would be allowed. Retention of HRS 173A will permit acquisition of lands for future resource development.